

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**

JUN 18 2008

6-16-2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

CURTIS Smith 06CR0441

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

United States Government et al.

(Warden, Superintendent, or authorized  
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment  
attacked imposes a sentence to commence  
in the future)

ATTORNEY GENERAL OF THE STATE OF

ILLINOIS

(State where judgment entered)

CASE NO: 08C2441  
(Supplied by Clerk of this Court)

Case Number of State Court Conviction:

06CR0441 & 05CR5199

U.S.A.

State of Illinois

**AMENDED**

**PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY**

- Name and location of court where conviction entered: Dirksen Federal Building - United States District Court Northern District of Illinois, Eastern Division
- Date of judgment of conviction: APRIL 11, 2008
- Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
one count unlawful possession of a weapon by felon > 05CR5199=06CR0441  
one count possession of a controlled substance
- Sentence(s) imposed: NA
- What was your plea? (Check one)
 

(A) Not guilty	<input checked="" type="checkbox"/>
(B) Guilty	<input type="checkbox"/>
(C) Nolo contendere	<input type="checkbox"/>

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

NA

## PART I - TRIAL AND DIRECT REVIEW

1. Kind of Trial? (Check one) Jury ☒ Judge only ( )
2. Did you Testify at Trial? YES ☒ NO ( )
3. Did you appeal from The Conviction or sentence Impose? YES ☒ NO ( )

(A) If you appealed give The

(1) Name of Court: United States Court of APPEALS FOR The SEVENTH CIRCUIT

(2) Result: STILL Pending

(3) Date of Ruling: N.A.

(4) Issues raised: (1) PROSECUTORIAL MIS CONDUCT I wanted The Court to grant DIRECT Judgment of ACQUITTAL. (2) CITY OF Chicago POLICE DEPARTMENT DESTROYED ORIGINAL DEEM EXCULPATORY EVIDENCE.

(3) Indictment is base solely upon The Testimony of an INCOMPETENT witness Officer O'Donnell, in which OFFICER LIE on his City OF Chicago POLICE ARREST REPORT STATEMENT. OFFICER O'Donnell Lied, and committed Perjury Before The Special Grand Jury #2199.

(B) IF you did not appeal, explain why NOT:

N.A.

4. Did you appeal or seek leave to appeal, To The highest state court? YES ☒ NO ( )

(A) If yes, give the

(1) Result: N.A.

(2) Date of Ruling: N.A.

(3) Issues raised: N.A.

(B) IF NO why NOT? : N.A.

5. Did you Petition The United States SUPREME COURT FOR CERTIORARI? YES ☒

IF yes, give (A) date of Petition: 4-12-08 (B) Date Certiorari was denied: N.A.

**PART II - COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES ☒ NO ( )With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):A. Name of court: ① NOTICE OF APPEAL TO A COURT OF APPEALS FROM A JUDGMENT TO CLOSE CIVIL RIGHTSB. Date of filing: BOTH CASES FILED: MAY 02, 2008C. Issues raised: ① I APPEALED TO THE COURT OF APPEALS FROM A JUDGMENT TO CLOSE my CIVIL and CONSTITUTIONAL RIGHTS VIOLATION committed unto Curtis Smith by Assistant Illinois State Attorney JORNEY James Tomasko, et al. BECAUSE OF PROSECUTORIAL MISCONDUCT: OF CHANGING THE JUNE 1994 year OF ALLEGED SEX OFFENSE TO 1995. THEREFOR IN VIOLATION OF 403. and Rule 404.(B) Rule OF EVIDENCE. INTRODUCE EVIDENCE THAT SMITH HAD NO CHAIN OF CUSTODY TO CASE NUMBER # 06 CR 0441 - U.S.A. V. SMITH.D. Did you receive an evidentiary hearing on your petition? YES ( ) NO ☒E. What was the court's ruling? NAF. Date of court's ruling: NAG. Did you appeal from the ruling on your petition? NA YES ( ) NO ( )H. (a) If yes, (1) what was the result? NA(2) date of decision: NA(b) If no, explain briefly why not: NA

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES ☒ NO ( )(a) If yes, (1) what was the result? NA(2) date of decision: NA(b) If no, explain briefly why not: NA

## PART II - COLLATERAL PROCEEDING

① WITH RESPECT TO EACH POST-CONVICTION PETITION GIVE THE FOLLOWING INFORMATION.

(A) Name of Court: United State Court of Appeals For The SEVENTH CIRCUIT  
Case No. 08-2100 - case name: Smith v. James Tomasko et al.  
(B) Date of Filing: MAY 05, 2008

(C) Issues raised: Two Chicago Police Officers violated my Constitutional Rights by stopping me for NO Probable Cause and Robbed and Framed me.

② (A) Name of Court: SUPREME COURT RULES - "ON PETITION FOR WRIT OF CERTIORARI To The United States Court of APPEAL The FIFTH CIRCUIT" RULE 18. (1)  
(B) Date of Filing: NA

(C) Issues raised: LAW ENFORCEMENT OFFICER violation of my THE FOURTH THE FIFTH, THE SIXTH, THE EIGHT, THE FIFTH and The Fourteenth Amendment Rights of the Federal Constitution.

③ (A) Name of Court: TWO THE SUPREME COURT RULE (205) (1) - PETITION UNDER 28 U.S.C. § 1651 (A) FOR AN EXTRAORDINARY  
(B) Date of Filing: NA

(C) Issues Raised: INDICTMENT BASE SOLELY UPON THE TESTIMONY OF AN INCOMPETENT WITNESS, OFFICER MICHAEL O'DONNELL, CITY OF CHICAGO POLICE OFFICER, IN WHICH OFFICER LIED, AND COMMITTED PERJURY BEFORE THE SPECIAL GRAND JURY #2199 TO OBTAIN A TRUE BILL OF INDICTMENT AGAINST CURTIS SMITH.

④ (A) Name of Court: PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY PERSON IN STATE CUSTODY  
(B) Date of Filing: NA

(C) Issues Raised: The Delay was the Product of Prosecution Deliberate Slow ~~IN ACTION~~ <sup>ATTORNEY</sup> BY THE STATE OF ILLINOIS AND THE DEPARTMENT OF JUSTICE ORDER TO GAIN TACTICAL ADVANTAGE. PEOPLE V. LAWSON 67 ILL. 2d 449 (1977) THEREFORE AFTER THE ABOVE FACTS, THERE IS A MAJOR CONSPIRACY AGAINST DEFENDANT CURTIS SMITH PRODUCE BY THE ASSISTANTS UNITED STATES ATTORNEYS, THE ASSISTANT ILLINOIS STATES ATTORNEYS AND THE ENTIRE CITY OF CHICAGO POLICE DEPARTMENT. TO ATTEST THESE FACTS, THE CITY OF CHICAGO POLICE DEPARTMENT HAS DESTROYED VERY VALUABLE DEEM EXCULPATORY EVIDENCIAL PROOF ATTESTING THE FACT CURTIS SMITH IS INNOCENT, NOT GUILTY OF ALLEGED CRIME HE IS ACCUSED OF COMMITTING.

PROSECUTION DELIBERATELY SLOW IN ACTION HAS CAUSE THE LOSS OF THE DEFENDANT'S TWO FRONT SEAT PASSENGER FELICIA JACKSON WHO WAS SITTING ON STEVE SANFORD LAP, THESE TWO PERSON WAS CURTIS SMITH ALIBY WITNESSES, THEY BOTH DIE OF AIDS. CURTIS SMITH CONVICTION WAS A THE FUTURE OF NEW UNITED STATES LEGALIZE SOCIETY HANGING AND LYNCHING OF THE UNITED STATES WEAKEST PERSONS THE SEX OFFENDER. AS A MATTER OF FACT CURTIS SMITH WAS NOT CONVICTED BEYOND A REASONABLE DOUBT, NOR THE TAINTED AND CORRUPT EVIDENCE.

CURTIS SMITH WAS CONVICTED, THUS RECONVICTED OF THE JUNE 1994 SEX OFFENSE

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES ( ) NO ☒

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

- |  |           |
|--|-----------|
| 1. Nature of proceeding                                | <u>NA</u> |
| 2. Date petition filed                                 | <u>NA</u> |
| 3. Ruling on the petition                              | <u>NA</u> |
| 4. Date of ruling                                      | <u>NA</u> |
| 5. If you appealed, what was the ruling on appeal?     | <u>NA</u> |
| 6. Date of ruling on appeal                            | <u>NA</u> |
| 7. If there was a further appeal, what was the ruling? | <u>NA</u> |
| 8. Date of ruling on appeal                            | <u>NA</u> |

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES ( ) NO ☒

A. If yes, give name of court, case title and case number: NA

B. Did the court rule on your petition? If so, state

(1) Ruling: NA

(2) Date: NA

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES ☒ NO ( )

If yes, explain: THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

NOTICE OF CASE OPENING — Case Number: 08-2100

CURTIS SMITH James TOMASKA, MICHAEL O'DONNELL and CORDY WALKER  
Plaintiff - Appellant Defendant - Appellees

Originating Case Information

District Court Number: 1:07-cv-05794

NORTHERN District of ILLINOIS, EASTERN Division

Clerk/Agency Rep Michael Dobbins

Magistrate Judge Ronald Guzman

Court Reporter Nancy LaBella

Case Date Filed: 05/05/2008

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

- (A) Ground one There were NOT ANY Reasonable Suspicion For The Two City  
Supporting facts (tell your story briefly without citing cases or law):

OF Chicago Police OFFICERS Justifications For There more Forceful  
TERRY V. Ohio, 392 U.S. 1 (1968). There was NOT A Narcotics sale, There  
was NOT A Narcotics Delivery. Chicago Police OFFICER Coroy Walker  
ATTESTED The FACT That Curtis Smith PULLED OVER in Front of Block  
BUSTER VIDEO store and the address is approximately 7931 South Ashland  
INWHICH it is Approximate 200 FEETs From 7951 South Ashland.

OFFICER WALKER Blocked my Van path and stop Detective Police  
Vehicle in some what of a 45 degree angle Blocked my Van path.  
OFFICER Walker Jumped out his Vehicle onto the snow after he took  
OFF his seat belt on the drivers side of Vehicle and Chase Denise  
Evans. APPROXIMATE 15 to 20 minutes Later OFFICER Walker had ran her down and bringing EVANS  
Back after the 15 to 20 minutes chase and capture.

OFFICER Michael O'Donnell Turn on some Flashing Blue light Think  
in The Front Dash board of Police Vehicle, Then he removed seat belt  
Jump out of Vehicle ran to Front Passenger side of his Police Vehicle  
Then OFFICER O'Donnell displayed his Weapon pointed in a 45 degree angle  
Toward The Driver side of my Vehicle Toward Me.

- (B) Ground two Then OFFICER O'Donnell used a Loud harsh  
Supporting facts:

accustorial tone of voice stated " Driver Turn off YOUR Engine  
and Every Body put your hand on the Dash board! Don't move!

Keep your hands right there so I can see them! Then OFFICER O'Donnell  
Blocked The Path of my Chevy Van with his body. as he ran across  
The Front of my Van with his weapon arm at me. OFFICER OPEN The  
Driver side door of my Van. Then OFFICER reach in and grabbed me From behind neck  
by my shirt and coat collar and The OFFICER Physically Pull me out the Van  
Forceably. The Immediately placed handcuff on me very Tight and  
Then OFFICER O'Donnell searched inside all my Pockets, I was Clean, NO  
Gun or Narcotics on or about my Person, or In immediated reach of me.

There was NO Narcotics or gun in Plain sight or in immediate  
reach of me wrapped in a alleged Towel. OFFICER O'Donnell Took my  
Wallet, Out my rear Left pocket. OFFICER Took my Drivers License  
and \$559.00. The OFFICER had Robbed me at that point.



(C) Ground three <sup>1)</sup> On October 12, 2007 Case number # 07C5794,  
Supporting facts: Case NAME CURTIS SMITH Plaintiff -vs. James TOMASKA et al.  
Defendants. BEFORE THE HONORABLE JUDGE MARK FILIP.

As a MATTER OF FACT I Curtis Smith, stated on page FOUR IV. or FIVE V.  
That I was at The Corner gas station at approximately 8:30 PM. purchasing  
\$11.00 gas and PLAYED \$10.00 on my Lottery.

② NOW upon The witness Stand, OFFICER O'Donnell, Lied, Committed PERJURY  
BEFORE THE HONORABLE JUDGE WILLIAM J. HIBBLER.  
AFTER O'Donnell was duly FORSWORN UNDER OATH, on The 7<sup>th</sup> and 8<sup>th</sup> day OF  
APRIL, 2008 A.D. WHEREFORE, NONE OF OFFICER O'Donnell Testimony MATCH  
NOR MIRROR HIS CITY OF CHICAGO POLICE ARREST REPORT STATEMENT number #  
153314, WRITTEN ON JANUARY 30, 2005. OFFICER O'Donnell Stated "ON  
8100 SOUTH Ashland Corner gas station at about 8:30 P.M. and 8:40 P.M. OFFICER  
Walker and their Informant called CURT from the gas station Telephone two  
Times and Talk with CURT Both Times. Then CURT Told OFFICER Walker and informant  
to meet them on 80th south Ashland. AT THIS POINT OFFICER O'Donnell is Deep in  
his hole of Lies and PERJURY. The FACTS are Curtis Smith was at That  
same gas station at The same Time. Why would OFFICER Walker and informant  
Tele Phone CURT, when they could have Talked Face to Face??

(D) Ground four ③ ON APRIL 05, 2008 A.D. The Defendant Curtis Smith Presented in  
Supporting facts: open COURT a Motion TO Dismiss Charge. 725 ILC5 5/114-1-(2)(9)-

The Indictment is Base solely upon The Testimony of A incompetent witness,  
The CITY OF CHICAGO SIXTH DISTRICT POLICE OFFICER Michael O'Donnell.  
OFFICER O'Donnell, Lied, and Committed PERJURY BEFORE SPECIAL Grand  
JURY NUMBER # 2199. TRANSCRIPT OF Testimony TAKEN IN The ABOVE ENTITLED  
MATTER on The 22<sup>nd</sup> DAY OF FEBRUARY A.D. 2005 A.D.

IN The Light OFFICER O'Donnell Committed PERJURY AFTER he was  
FORSWORN under OATH, SEEKING AND Granted A TRUE BILL OF Indictment against  
Curtis Smith and Denies EVANS Case number # 05 CR 5199 ALL Based on Lies.

④ OFFICER O'Donnell stated under OATH That he was driving and Forsworn under OATH  
OFFICER Walker stated that he was driving and Blocked Curtis Smith path in Front  
OF Hollywood Block Buster VIDEO store at approximately 7931 south Ashland. As a  
MATTER OF FACT, CURTIS Smith CIVIL RIGHTS and Constitutional Rights. INFORMATION Filed  
on October 12, 2007 ATTEST The FACT THAT OFFICER Walker was DRIVING  
POLICE Vehicle. There have been a MAJOR CONSPIRACY TO Convicted Curtis  
Smith who is NOT GUILTY. Therefore, Based upon The above FACTS Curtis  
Smith seek Relief FOR A JUDGMENT OF ACQUITTAL

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ☒ NO ( )

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

N/A

The CITY OF Chicago POLICE Department Destroyed The Evidencial  
 FACT That CURTIS Smith Chevy CARGO WORK VAN; The Passengerside door  
 window <sup>Did not Let Down or up. Because the window handle was</sup>  
 (C) Ground three Supporting facts:

Broke completely off, NOW The PROSECUTORIAL MISCONDUCT BY BOTH  
 Assistant ILLINOIS STATE ATTORNEY and the Assistant ~~State~~ UNITED  
 STATES ATTORNEY and LAW ENFORCEMENT OFFICERS VIOLATED CURTIS SMITH  
 Fourth, The FIFTH, The SIXTH, The EIGHT, The FIFTH and Fourteenth  
 Amendments OF The Federal Constitution. The CITY OF Chicago Police  
 Department Destroyed VALUABLE Relevant EVIDENCE. Prosecution Violated  
 RULE 403 and 404(B) — PROSECUTION did not care That OFFICER WALKER, and OFFICER  
 O'DONNELL Testimony upon The witness stand did not match What was Testified  
 Before the Grand Jury 2199 on February 22, 2005, while OFFICER O'Donnell was  
 Duly Forsworn under Oath NOR what OFFICER O'Donnell have written in his CITY OF  
 Chicago POLICE ARREST REPORT. OFFICER Walker and OFFICER O'Donnell Testimony  
 While They were under Oath Duly Forsworn Their Testimony and statement on what  
 occurred on January 30, 2008, Did not match NOR mirror each other in not one  
 conscionable Reasonable Connectionable way. Prosecution did not produce The Alleged  
 INFORMANT That allegedly Called and talk with curt. The Prosecution stated on

(D) Ground four July 09, 2007 That They wanted to keep INFormant Identifica-  
 Supporting facts:

-Tion a secret until Jury Trial. Prosecution and Law Enforcement Officers Lied  
 and committed PERJURY BEFORE THE COURT. There Never was a INFormant Because  
 There never was a Narcotics sells. Prosecution Deliberated Delay Cause  
 actual and substantial Pre PREJICE upon Defendant Because Real and Tangible harm  
 and Damage was done To The Original Authentic Rust out trigger Derringer Pistol  
 and The Real Original Chevy cargo work Van, Both Destroyed BY The City of Chicago  
 Police Department Lieutenant - [I have for got his Name] — who stated under Oath  
 "This is The First Time in his 20 years such a Thing have happen like This, .. OH Well  
 I'm only Human;" he got a Few Laughs From the Jury.

The Delay PREJUDICE The Defendant CURTIS Smith and Denied him The Fairness  
 OF the Due Process OF LAW. Real Valuable DUEM EXCULPATORY EVIDENCE were  
 Deliberately Destroyed To cover up The PROOF That The Chevy CARGO WORK VAN LEFT  
 Passenger side door window handle was INDEED Broken off and The Passenger  
 side window could not be Let Down FOR a alleged Narcotics sell To DENISE EVANS  
 and The Rusted Piece OF Metal LAW ENFORCEMENT OFFICERS alleged was a  
 pistol Derringer. The DELAY in The JURY Trial cause the defendant Defense  
 To LOSE ALL 3-Three OF his ALIBY witnesses (1) Felicia Jackson sitting

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ☒ NO ( )

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

N/A



United States of America ex rel.  
 CURTIS SMITH  
 PETITIONER vs.  
 United States Government, et al.  
 RESPONDENT

Case NO: 08 C 2441, and #06CR0441

Case Number of State Court Convictions:  
 05CR5199 or #06CR044  
 Judge William J. Hibbler

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

page 9 (B)(C)

4.(3) Issues raised: (FELICIA JACKSON SITTING ON STEVE SANFORD LAP, and Denise Evans has Died of AIDS.

PEOPLE V. LAWSON, 67 Ill.2d 449 (1977). The Delay was The Product of The Prosecution Deliberate slow action, IN ORDER TO GAIN A TACTICAL advantage, Thus Cover up The Great wrong of The INjustice Thrown upon Curtis Smith on January 30, 2005. CURTIS Smith wanted for approximate 3 1/2 = Three and one-half years To Take The witness Stand To Tell The world how he had been Robbed by the City of Chicago SIXTH District Police OFFICER Michael O'Donnell and Coroy Walker, Then Framed for a crime he Did NOT Commit by Law Enforcement Officer who got away clean with the crime and Great Wrong That They committed upon Curtis Smith. By and with the help of Law Enforcement ASSISTANT UNITED STATES PROSECUTION. Wherefore, The Assistant United STATES PROSECUTION made themselves Deaf Not hearing, not listening DISREGARDING The Lies, PERJURY That OFFICER Michael O'Donnell was committing BEFORE THE HONORABLE JUDGE WILLIAM J. HIBBLER.

NOW IN THE LIGHT PROSECUTION KNOWINGLY Read OFFICER O'Donnell CITY OF Chicago POLICE ARREST REPORT STATEMENT NUMBER #153314 and PROSECUTION KNOWINGLY Read Grand Jury #2199. Case number #05CR5199, ONLY Witness OFFICER O'Donnell Transcript of Testimony STATEMENTS In the Light PROSECUTION KNOWINGLY and seeing NOT ONE OF OFFICER O'Donnell STATEMENTS or Testimony matched nor MIRRORRED his Grand Jury or Chicago Police REPORT statements.

Thereafter, The above and below Facts, The Prosecution went blind with The FACT That OFFICER O'Donnell and OFFICER WALKER account OF What happen on January 30, 2005, Wherefore, O'Donnell NOR OFFICER Walker Testimony under Oath did not match, NOR MIRROR EACH other in Not even one conscionable, Reasonable Connecting way. To Lead up To Reasonable suspicion of Criminal activity underway To a Justification For this more intrusive action of a Terry v. Ohio, 392 U.S. 1 (1968) STOP. Thus, The Prosecution Did not convicted Defendant Curtis Smith Beyond a Reasonable Doubt. CURTIS Smith was convicted OF being a sex OFFENDER.

Therefore, Curtis Smith Did not receive a Fair Jury Trial, The ENTIRE Jury should have been dismissed, Because one of the Jurors WAS CORRUPT Then Tainted The ENTIRE Jury Requested That The Jury convicted Curtis Smith For Life For The Alleged SEX OFFENSE OF June 1995. PROSECUTORIAL MISCONDUCT Base upon above UNFAIR TACTICS, (1) Changed The year of the alleged sex OFFENSE From June 1994 To 1995), PROSECUTION DISREGARDED GRAND JURY 2199 WITNESS OFFICER O'Donnell

Testimony Before The COURT, Did not EVEN MIRROR his Grand Jury Testimony in NO reasonable Connecting sentence. City of Chicago POLICE OFFICER O'Donnell committed PERJURY SEEKING a granted a True Bill of Indictment against CURTIS Smith, Wherefore premises considered, Chicago Police OFFICER Michael O'Donnell, Deceived Grand Jury number #2199 on FEBRUARY 22nd 2005. Therefore O'Donnell Violated CIVIL and CONSTITUTIONAL RIGHTS. Revised 9/2007

EASTERN DIVISION

NAME (under which you were convicted)

Docket or Case No:

CURTIS SMITH

Place of CONFINEMENT:

PRISON NO.:

Jerome Combs Detention Center

#228499

Plaintiff- Appellant

Defendant- Appellees

CURTIS SMITH -vs-

UNITED STATES OF A

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

- (A) Ground one On September 24, 2006, Curtis Smith was ILLEGALLY arrested  
Supporting facts (tell your story briefly without citing cases or law):

FOR making a Legal U-TURN at the of my Block 9, at 8600 SOUTH SEELEY AVE. This is a dead end street, with a Big YELLOW NO OUTLET SIGN POSTED AT THE CORNER ON THE WEST SIDE OF THE STREET. I was headed south bound. The two Chicago Police Officers had just completed their U-TURN AT THE SAME DAN RYAN Forest PRESERVE NO OUTLET U-TURN and was heading North bound as we passed each other. I completed my U-TURN AT THE CORNER. I Found a PARK NORTH Bound in front of 8545 South SEELEY. I PARKED Sherri Willis 1994 Camary on the EAST side of the street headed NORTH Bound. I LOCKED The window and Doors Then I EXITED Vehicle.

I WALKED ACROSS The Street. NOW, I'm on The west side of The Street AT 8546 SOUTH SEELEY TALKING TO WITNESSES, Sherri Willis my 4 Children Mother, JOSHUA my son and TRACY BATES who live at 8542 SOUTH SEELEY The NEXT DOOR Neighbor. Then, The two Chicago Police Officers who had PASSED BY ME in the street DRIVING Sherri Willis Vehicle APPROXIMATELY 15 minutes earlier. The two Chicago Police Officers STOP ME FROM TALKING to Sherri, JOSHUA, and Tracy. Police Officers ORDER ME TO Come over here to Them! I a Loud Harsh, accusatorial Tone of Voice. OFFICER SITTING ON DRIVER side ORDER ME TO Come over TO DRIVERS side OF POLICE Vehicle There by Blocking my PATH IN IN Between POLICE Vehicle and Sherri Willis Vehicle. Now I'm in between THE TWO Vehicle OFFICER ON THE Driver side ORDERED ME TO give him my License.

- (B) Ground two I GAVE THE OFFICER my LICENSE Then he PASSED LICENSE TO  
Supporting facts: The other OFFICER who was still seated in the POLICE Vehicle.

CURTIS SMITH ASKS OFFICER standing on The Driver side [with his hand upon his weapon] For what PROBABLE Cause have you OFFICER ORDERED me over here? OFFICER STATED "You made an ILLEGAL U-TURN."

CURTIS SMITH STATED "DO YOU SEE THAT BIG YELLOW "NO OUTLET SIGN RIGHT There POSTED ON The CORNER OF 8600th SOUTH SEELEY?? What ON YOUR MIND OFFICER??" The OFFICER who was seated checking my License, UPON hearing my words IMMEDIATE got out OF POLICE Vehicle he around The Front OF POLICE Vehicle. NOW, The OFFICER IS BEHIND me, I AM Blocked in between The TWO OFFICERS, and The TWO Vehicles,

Sherri attempted to come across The Street and she ASKS POLICE OFFICERS What did curtis DO?? OFFICER on The Driver side ORDER Sherri to "STOP Don't come across The Street. Curtis Smith ASKS OFFICERS Why Are you arresting me? For what PROBABLE Cause? I have not Done Nothing wrong! The OFFICER That was behind me Grabbed my Right arm and Forcibly wrench Then Twist and automatically Put handcuff on me at the same time. Driver side OFFICER Grabbed my Left arm and hand and SWIFTLY CURTIS SMITH is handcuffed and ARRESTED. OFFICER That was behind me stated "There is a WARRANT For your Arrest and YOU made a ILLEGAL U-TURN AT The CORNER OF 86th in SEELEY!"

(C) Ground three The Two City of Chicago SIXTH District Police Officer

Supporting facts: Lied, and Committed PERJURY when They ILLEGALLY arrested me and accused Curtis Smith of AN ILLEGAL U-Turn Traffic Violation. The Two City of Chicago Police OFFICERS REFUSED to give me There Name and Badge Number ON The Night of September 24, 2006. LAW ENFORCEMENT OFFICER VIOLATION OF The FOURTH and FourTEenth Amend ment Rights of The Federal CONSTITUTION when The Two Chicago SEARCH and SEIZURE of Curtis Smith They TORE-up and Destroyed curtis smith wallet, Then while handcuffed The two Police OFFICERS Tore my pants pocket Forcebilly Took Sherri Willis Vehicle Keys UNlocked The doors The OFFICER That was on the passenger side of Police Vehicle Drove Sherri Willis Camary To Chicago, Police SIXTH District Police Station Tore up The Entire inside of The Vehicle searching Through it. Then The CITY of Chicago had Sherri Willis Vehicle Towed To The The CITY of Chicago Police AUTO Impound, at 103rd & South Dobby Road.

CURTIS SMITH was INCARCERATED, ARRESTED UNCONSTITUTIONALLY U.S. v Richardson, 208 F.3d 626 [7th Cir. 2000] The Two City of Chicago Police OFFICERS FROM The SIXTH District Police Station HAD NO JUSTIFICATION FOR (A) COMING back AFTER 15 minutes (B) Then The OFFICER uses a harsh, accusatorial TONE OF VOICE; (C) The OFFICER orders Curtis Smith to STOP! Talking To his FAMILY and Friend; (D) Then, OFFICERS ordered Curtis Smith To Cross From the west side of CD, The street To The Eastside

(D) Ground four When I Driver side OFFICER stated "Come over here!"  
Supporting facts:

(E) OFFICER Asked Curtis Smith For his [PROPERTY - DRIVER'S License and RETAINED Them, (F) The OFFICER Form The Passenger side of Police Vehicle came up behind me and The Two OFFICERS Blocked Curtis Smith PATH with Their Bodies, NORTH and SOUTH, and with The Police vehicle and Sherri Willis Vehicle on The Eastside of Curtis Smith, I WAS Blocked in between OFFICERS and Police vehicle and Sherri Willis Locked up door and Window Vehicle. (G) The Two Chicago POLICE OFFICER Violently, Forcebilly Grabbed Curtis Smith PUT The handcuff on me VERY Tight, Broke my EYE Glasses Then OFFICERS informed Curtis Smith they were arresting him for making a ILLEGAL U-TURN 15 minutes EARLIER, and Their is a warrant on him.

I Curtis Smith want to submit into EVIDENCE Exhibits ONE PAGE OF pictures of The 8600 South SEELEY AVE, Corner To PERJENT IN The Light The NO OUTLET SIGN YELLOW. To ATTEST The FACT; The City of Chicago Two, SIXTH District POLICE OFFICERS

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ( ) NO ( ) NA

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

N-A

86th &amp; Seeley Ave

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United States DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS,  
 United States of America ex rel.  
 CURTIS SMITH  
 PETITIONER  
 vs.  
 UNITED STATES Government, et al  
 Respondent.

Case NO: 08C 2441  
 CONVICTION CASE Number 06CR0441  
 STATE OF ILLINOIS CASE Number 05CR3199  
 JUDGE WILLIAM J. HIBBLER

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

MAY I SUBMIT INTO EVIDENCE; EXHIBIT # ONE PAGE OF PICTURES OF THE  
 8600 SOUTH SEELEY AVE. CORNER TO PERSENT IN THE LIGHT THE NO OUTLET  
 SIGN YELLOW. U-TURN ARE PERMITTED AT THE 86<sup>TH</sup> SOUTH SEELEY CORNER.

A-3 OF 5

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

CASE NO: 08 C 2441 - CONVICTION Case Number D6CRO441

PEOPLE OF ILLINOIS Case No: 05CR 5199

JUDGE WILLIAM J. HIBBLER

United States of America ex rel.  
CURTIS SMITH  
PETITIONER  
vs.  
United States Government, et al.  
RESPONDENT

A seizure does not occur until either the suspect complies with a "show of authority by police or there is an application of physical force [however slight] to the suspect by police. California v. Hodari D., 499 U.S. 621 (1991); People v. Morris, 209 Ill.2d 137 (2004). A stop of a moving vehicle constitutes a seizure, even if the purpose of the stop is limited and the resulting detention quite brief. Berkemer v. McCarthy, 468 U.S. 420 (1984); People v. Jones, 215 Ill.2d 261 (2005).

Curtis Smith was held at the City of Chicago Sixth Police Station until the morning of September 25, 2006. Two A.F.T. Agent took possession of Curtis Smith then took him to be the arraignment and plea, before Judge William J. Hibbler - The Assistant United States Attorney stated that a summons was issued and was to be served on Curtis Smith at 26th in California at the Cook County Jail, but Curtis Smith was let out on bond from Cook County Jail and the prosecution did not know Curtis Smith home address and the United States Department of Justice could not locate or find out where Curtis Smith live or home address.

Therefore, that reason the prosecution order Curtis Smith be incarcerated and be held without bond and upon conviction Curtis Smith should receive 20 to 40 years Judge William Hibbler attested to prosecution recommendation.

Curtis Smith Attorney Jack I. Rodgon was very ineffective Assistant Counsel, Jack I. Rodgon did not make a good defense argument of the facts (1) Curtis Smith is in the State of Illinois Registered Sex Offender Data Base. (2) Annie Smith - [Mother] paid a State of Illinois cash deposit bond for \$12,500.00 Curtis Smith bond out address was 8531 So. Seeley, Chicago Illinois 60620 (3) Case Number 05CR 5199 - People v. Curtis Smith - before Judge John Mannion - Court Curtis Smith was out on bond for 15 months he was never late, or missed a court date.

The Assistant United States Attorney on the date of September 25, 2006 lied and committed perjury before the court. Because the prosecution never mailed, nor had the United States Marshal Service served a summons to Curtis Smith at 8531 South Seeley.

Therefore, the facts, it is very unreasonable or believable that the United States Department of Justice could not find out where Curtis Smith home address was located at. As a matter of fact a person can get Curtis Smith address off the sex offender address on line the internet.

Revised 9/2007



The Two, City of Chicago SIXTH DISTRICT POLICE OFFICERS ON SEPTEMBER 24, 2006, HAD NO PROBABLE CAUSE NOR JUSTIFICATION FOR A STOP OR DETENTION OF CURTIS SMITH - CASE NUMBER AT THE TIME OF ARREST 05CR5199 - CASE TITLE: PEOPLE OF ILLINOIS - V - CURTIS SMITH - BEFORE JUDGE John MANNION : DEFENSE ATTORNEY JACK I. RODGON REFUSED TO GIVE ME THE TRAFFIC VIOLATION TICKETS OR THE NAMES OF THE TWO ARRESTING OFFICERS NAME THEREFORE, I CAN FILE A COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983 U.S. CODE AGAINST THEM. JACK I. RODGON - TELEPHONE NO. 312-933-7777 - he has moved is office.

MOREOVER, THE TWO, CITY OF CHICAGO SIXTH DISTRICT POLICE OFFICERS COMMITTED A CONSTITUTION SEIZURE OCCURED WHEN THE OFFICERS USED BY MEANS OF PHYSICAL FORCE, COERCION AND A SHOW OF AUTHORITY IN THE WAY THEY RESTRAINED THE FREEDOM OF CURTIS SMITH IN SUCH THAT IN LIGHT OF ALL THE CIRCUMSTANCES SURROUNDING THE INCIDENT A REASONABLE PERSON WOULD BELIEVE THAT HE OR SHE WAS NO LONGER FREE TO LEAVE. PEOPLE V. BROWNEE, 186 ILL.2D 501 (1999); PEOPLE V. TORRES, 347 ILL. APP. 3D 252 (1ST DIST. 2004); PEOPLE V. BROWN, 345 ILL. APP. 3D 363 (4TH DIST. 2003)

DETENTIONS and arrests are viewed as seizures of a person. These actions are reviewed under The Fourth Amendment's reasonableness standard and are subject to constitutional controls. The objective test in a consensual encounter is whether a reasonable person would think that he or she were free to go. PEOPLE V. GHORNA 203 ILL.2D 165 (2003)

IN PEOPLE V. MITCHELL, 355 ILL. APP. 3D 1030 (2D DIST. 2005), A ROCKFORD OFFICER APPROACHED DEFENDANT AS HE WAS WALKING DOWN THE STREET AROUND 5:00 A.M., AND -[WITHOUT ANY REASONABLE SUSPICION] ASKED WHAT HE WAS DOING OUT SO EARLY. WHEN DEFENDANT SAID HE WAS JUST TAKING A WALK BECAUSE HE HAD TROUBLE SLEEPING, THE OFFICER ASKED HIS NAME, THEN REQUESTED HIS IDENTIFICATION; THE OFFICER WALKED BACK TO HIS SQUAD CAR AND RAN A WARRANT CHECK [WHICH LED TO DEFENDANT'S ARREST]. THE COURT FOUND THAT DEFENDANT WAS SEIZED WHEN THE OFFICER RETURNED TO HIS CAR. A REASONABLE PERSON WOULD NOT HAVE FELT FREE SIMPLY TO LEAVE WITHOUT HIS ID OR TO APPROACH THE SQUAD CAR, KNOCK ON THE WINDOW, AND DEMAND ITS IMMEDIATE RETURN. BECAUSE THE SEIZURE WAS NOT SUPPORTED BY REASONABLE SUSPICION, THE ARREST WAS NOT VALID.

**PART IV - REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing Jack I Rodgon 312 933 7777
- (B) At arraignment and plea Jack I Rodgon " " "
- (C) At trial Michael FINN - 53 west Jackson Blvd Ste. 525 Phone: 312-662-1022 FAX: 312-662-1033
- (D) At sentencing NA
- (E) On appeal NA
- (F) In any post-conviction proceeding NA
- (G) Other (state): NA

**PART V - FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES ( ) NO ☒

Name and location of the court which imposed the sentence: NA

Date and length of sentence to be served in the future NA

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Curtis Smith  
(Signature of petitioner)

228499  
(I.D. Number)  
Jerome Combs Detention Center  
3050 JUSTICE WAY - KANKAKEE, IL 60901  
(Address)